

**IN THE DISTRICT COURT OF THE UNITED  
STATES FOR THE MIDDLE DISTRICT OF ALABAMA, RECEIVED  
ALABAMA, EASTERN DIVISION, AT JUL 16 A. 9. 17  
MONTGOMERY, ALABAMA**

GENE COGGINS  
Plaintiff

JUL 16 A. 9. 17  
P. HACKETT, CLERK  
MIDDLE DISTRICT COURT  
ALABAMA

V: **CIVIL ACTION NO 3:07 CV- 406 - MEF - TFM  
DIST COURT NO CV 0706 - 0252**

TAKPLLAPOOSA COUNTY and  
TALLAPOOSA COUNTY SHERIFF DEPT.  
Defendants

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**MOTION FOR DEFAULT AND DEFAULT JUDGMENT**

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COMES NOW THE PLAINTIFF, GENE COGGINS, WITH THIS MOTION FOR DEFAULT AND DEFAULT JUDGMENT AGAINST THE ABOVE DEFENDANTS, DONE AND ACCORDING TO FED. R. CIVIL P. 4. THIS SUMMONS WAS SENT BY CERTIFIED MAIL WITH RETURN RECEIPT TO THE CLERKS OFFICE ON JUNE 13, 2007, REQUIRED AN ANSWER TO BE FILED IN THE COURT AND A COPY TO BE SENT TO THE PLAINTIFF WITHIN 20 DAYS FROM SERVICE.. MORE THAN ENOUGH TIME HAS PASSED AND AS OF THIS DATE THIS HAS NOT BEEN DONE. THE LAW REQUIRES FOR A DEFAULT AND DEFAULT JUDGMENT TO BE FILED AGAINST YOU AND ALL THINGS REQUESTED IN THE COMPLAINT ARE TO BE GRANTED. THIS IS A REQUIRED ESTABLISHED LAW THAT MUST BE CARRIED OUT BY THE CLERKS OFFICE, NO JUDGE HAS THE AUTHORITY TO CHANGE AN

ESTABLISHED LAW , OR TO PLACE ANY RESTRICTIONS UPON THEM...  
IN A CIVIL ACTION OR SPECIAL PROCEEDINGS, THE CLERK OR  
SOME OTHER FORM OF SERVICE AS NAMED, IS REQUIRED TO NOTIFY THE  
DEFENDANT AS NAMES APPEAR ON THE COMPLAINT THAT AN ACTION HAS  
BEEN COMMENCED AGAINST HIM IN THIS COURT THAT HE IS REQUIRED TO  
APPEAR ON DAY NAMED, WITH A WRITTEN ANSWER, THAT MUST BE FILED  
WITH THE CLERK, AS REQUIRED BY THIS ACTION.. Dell 56 Misc. 2d, 1017, 290, N.  
Y. S. 2d 287, 289.. Fed R. Civil P. 4 (a)..

ACCORDING TO ESTABLISHED RULES REGULATING JUDICIAL  
PROCEEDINGS, THESE RULES **FORBIDS ANY FORM OF CONDEMNATION,**  
WITHOUT A HEARING. Pettit V: Penn, La. App. 180, So. 2d, 66, 69.. AND THE  
CONCEPT OF "THE DUE PROCESS", AS FOUND IN THE 5<sup>th</sup> AMENDMENT OF THE  
UNITED STATES CONSTITUTION. THEREFORE ACCORDING TO THIS CONCEPT,  
EVERY CASE THAT I HAVE PRESENTED IN THIS COURT HAS BEEN ILLEGAL  
HANDLED. THIS MOTION FOR DEFAULT AND DEFAULT JUDGMENT MUST BE  
GRANTED AS REQUIRED.

Gene Coggins  
GENE COGGINS